

Status of Audit Policy Disclosures - Region 5

Nonresponsive



Nonresponsive



eDISCLOSURE

Plastics Engineering Company

Nonresponsive



Nonresponsive



Nonresponsive



Instructions

What is eDisclosure?

eDisclosure is an EPA tool for the regulated community to self-disclose environmental violations electronically, and apply for penalty mitigation under EPA's Audit Policy. eDisclosure makes it easier and faster to self-report EPCRA (Emergency Planning and Community Right-to-Know Act) violations. It also speeds EPA processing of self-disclosures by ensuring that each disclosure contains complete information.

What violations can be self-disclosed?

-EPA is piloting eDisclosure nationwide for EPCRA violations. Disclosures of violations of other environmental laws should be submitted in hard copy. For more information on EPCRA see EPA's EPCRA Enforcement Web page at <http://www.epa.gov/compliance/civil/epcra/index.html>.

-What if the facility has less than 100 full time employees? If the facility has 100 or fewer full time equivalent employees, please see EPA's Small Business Compliance Policy for additional information.

What are the benefits of self-disclosing?

The EPA Audit Policy encourages voluntary and systematic environmental audits. Audit Policy incentives include:

- Penalty mitigation. Disclosing entities that meet all nine (9) conditions contained in EPA's Audit Policy (<http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html>) are eligible for 100% mitigation of all gravity-based penalties. Disclosing entities that meet all of the conditions except for "systematic discovery" of the violations are eligible for 75% penalty mitigation of all gravity-based penalties. EPA retains its discretion to collect any economic benefit that may have been realized as a result of noncompliance. If an entity fails to meet one or more conditions in addition to "systematic discovery" then no penalty mitigation may be sought under the Policy.
- An EPA determination not to recommend criminal prosecution for disclosing entities that meet all applicable conditions contained in the Policy (ultimate prosecutorial discretion resides with the U.S. Department of Justice).
- No routine requests for audit reports from those who conduct environmental audits.

What information do I need to complete this form?

- Processing ID
- Company name and organization
- Contact information for submitter
- Facility name, physical location, contact information, and, if possible, EPA program ID numbers for the facilities in question
- Description of the violation
- How the violation was discovered
- Date violation was discovered
- Who discovered the violation
- Physical location of the violation
- Explanation of how each of the nine (9) Audit Policy conditions is met:
 1. Systematic Discovery
 2. Voluntary Discovery
 3. Prompt Disclosure
 4. Discovery and Disclosure Independent of Government or Third Party Plaintiff
 5. Correction and Remediation-- When? How?
 6. Prevention of Recurrence-- How?
 7. No Repeat Violations
 8. Other Violations Excluded
 9. Cooperation
- An estimate of the cost of compliance, and a basis for this estimate.

What if some or all of the information is confidential business information?

The eDisclosure electronic reporting process does not allow for submittal of confidential business information (CBI).

Your company is entitled to assert a claim of business confidentiality covering all or any part of the information it submits, in the manner described in 40 C. F. R. Section 2.230(b). If you have CBI materials in support of your disclosure, you should mail your Audit Policy disclosure to the appropriate listed contact at <http://www.epa.gov/compliance/incentives/auditing/auditdisclose.html>. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted at the time the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

What are the steps involved in obtaining and submitting this form?

Note: You will need Adobe® Reader® version 7 or higher to validate and save this form. You can check which version you have by clicking on "About Adobe Reader" on the Help menu. The latest version of Adobe® Reader® can be downloaded at <http://www.epa.gov/epahome/pdf.html#install>.

1. You should have registered for CDX on the CDX registration page. Registering as a CDX user allows you to access this electronic self-disclosure submission form.
2. After logging in to CDX and indicating that you would like to make a disclosure under EPA's Audit Policy, an e-mail with this electronic disclosure submission form should have been sent to you. You will use this form and the Processing ID contained in the e-mail to make your disclosure.
3. On your own computer, fill out all applicable sections of this electronic self-disclosure submission form, including the Processing ID, and compile any additional self-disclosure materials. The form will check that your entries are appropriate and complete when you click on the "Validate" button on the last page of the form.
4. Log in to CDX and upload the electronic self-disclosure submission form that you saved to your computer and any additional materials. Uploading the form to CDX finalizes your submission.
5. The EPA Regional Office or Headquarters assigned to your self-disclosure will review all submitted materials and determine the appropriate enforcement response.

How are self-disclosures handled?

- Self-disclosures are routed either to an EPA Regional office or to EPA Headquarters (for those cases involving facilities located in more than one Region).
- An e-mail will be sent to the address you provide acknowledging receipt of your disclosure and providing specific contact information.
- Disclosures are resolved through either a Notice of Determination for cases where no penalties are assessed, or through administrative penalty orders or judicial consent decrees for cases where penalties are assessed.

Can self-disclosures be submitted to EPA without using eDisclosure?

If you do not wish to use this electronic reporting process, you may send your self-disclosure to the appropriate contact listed at <http://www.epa.gov/compliance/incentives/auditing/auditdisclose.html>. Note that if you download the form and then do not submit it, EPA may decide to contact you.

Who should I contact if I have questions?

If you have questions regarding EPA's Audit Policy, you may contact Phil Milton, with EPA's Office of Civil Enforcement. His telephone number is (202) 564-5029 and his e-mail is milton.philip@epa.gov.

Basic Information

Items marked with an asterisk "*" denote fields required to be completed prior to submission.

Processing ID * (this is in the e-mail received when this form was obtained)

DCAP-8HVPUY

Complete Legal Name of Organization * Plastics Engineering Company

How Organized * (Check one)

☐ a person doing business as.....

☒ a corporation, which was incorporated under the laws of the State or Tribal Nation of.....

Wisconsin

☐ a partnership, formed under the laws of the State or Tribal Nation of.....

☐ Other.....

Number of Employees (Corporation): *

308

If there are fewer than 100 full time employees please see EPA's Small Business Compliance Policy for additional information.
<http://www.epa.gov/compliance/incentives/smallbusiness/>

Individual submitting this self-disclosure

Title: Mr.

First Name: * Peter

Middle Name (or initial):

Last Name: * Madden

Suffix:

Job Title (e.g., individual, President, Vice President, Director, Partner, City Manager, Outside Legal Counsel, City Attorney, etc.): *

Manager of Environmental Affairs

Is the individual submitting this self-disclosure authorized by the company to make such a disclosure and is this person an authorized signatory (having authority to perform policy or decision-making functions of the company)? *

☒ Yes

☐ No

Contact information for individual submitting this self-disclosure

Address Line 1: * P.O. Box 758

Address Line 2:

City: * Sheboygan

State: * WI - Wisconsin

ZIP: *

53083

Phone: * (920) 458 - 2121

E-mail: * pmadden@pleneco.com

Fax: * (920) 451 - 3804

Facility Information

If more than one facility is involved in this violation, please indicate the number of facilities below and attach a sheet to your final submission with the physical address and EPA program ID numbers (if known) for each facility, and note which facilities have which violation(s). A suggested format for this information is available, see <http://www.epa.gov/compliance/incentives/auditing/edisclosure.html>.

Number of facilities involved in this violation: *

1

Facility Physical Address

Facility Name: * Plastics Engineering Company

Address Line 1: * 2732 N. 15th Street

Address Line 2:

City: * Sheboygan

State: * WI - Wisconsin

ZIP: *

53083

Latitude: 43.7742394825494

Longitude: -87.728706083

Please give latitude and longitude
in decimal degrees.**Facility Mailing Address**☐ Check here if Mailing Address is the same as the Physical Address.

Address Line 1: P.O. Box 758

Address Line 2:

City: Sheboygan

State: WI - Wisconsin

ZIP:

53083

NAICS/SIC codes: (See the NAICS web site at <http://www.census.gov/epcd/www/naics.html>)

NAICS Code: * 325211

SIC Code: 2821

EPA Program ID Numbers (if known):

CAA AFS:

CWA NPDES:

RCRA: WIT560011629

EPCRA 313 (TRI ID): 53083PLSTC2732N

Other (include description):

Describe the violation(s)

<p>Please check the Emergency Planning and Community Right-to-Know Act (EPCRA) section(s) involved with this self-disclosure.* See http://www.epa.gov/compliance/civil/epcra/epcraenfstatreg.html for details.</p>	<input type="checkbox"/>	Emergency Notification (section 304)
	<input type="checkbox"/>	CERCLA section 103 (check only if Emergency Notification has been checked)
	<input type="checkbox"/>	Material Safety Data Sheets (section 311)
	<input type="checkbox"/>	Emergency and Hazardous Chemical Inventory Forms (section 312)
	<input checked="" type="checkbox"/>	Toxic Chemical Release Forms (section 313)

Each violation should be described as completely as possible and include the following information.*

- Nature and description of potential violation(s) and specific regulatory, permit and/or statutory provision violated (include state references where appropriate);
- Identify the name, title, and employer of each person who discovered the violation, and what they were doing when the violation was discovered;
- How the violation was discovered; i.e., describe the moment at which the person first realized (objectively reasonable basis) that the violation(s) may have occurred or did occur;
- Physical location of violation;
- Dates of possible noncompliance;
- Chemical(s) involved in this disclosure, please include CAS number(s);
- For each chemical please list and specify separately the quantity (lbs.) that was stored, manufactured, processed, or otherwise used, produced, or released;
- Size of business and gross annual sales;
- Number of employees at each facility disclosing violations;
- Names of Reporting Entities, i.e. SERC, LEPC and local fire department(s).
- If the facility previously reported under EPCRA 313, under what facility name was the report filed.

Location:

Plastics Engineering Company facility at 2732 N. 15th Street, Sheboygan, Wisconsin. This is the manufacturing facility and the location of the office where the discovery was made.

Discovery:

The violations were discovered upon review of previous year data during the completion of the Reporting Year 2010 SARA 313 Toxic Chemical Release Forms. This review was conducted by Peter Madden, Manager of Environmental Affairs, an employee of Plastics Engineering Company. On June 15, while preparing the RY2010 TRI for submission, it was discovered that styrene (CAS #100425) had been reported on Form A for the reporting years of 2004 through 2009. During these years the annual reportable amount exceeded the 500 pound threshold that required the use of Form R. (Due to the TRI Burden Reduction Act of December 2006, the ARA was increased to 5,000 pounds for reporting years 2006 and 2007. During reporting years 2006 and 2007 the ARA of styrene was below 5,000 pounds.)

Dates of noncompliance, chemical and amounts involved:

It was determined that for RY2004, 2005, 2008, and 2009 styrene as reported on the incorrect form. The styrene ARA for those reporting years were:

2004: 606 pounds (maximum on site 35,523 pounds)
 2005: 1,994 pounds (maximum on site 38,331 pounds)
 2008: 1,307 pounds (maximum on site 61,334 pounds)
 2009: 713 pounds (maximum on site 59,005 pounds)

Form R was used for reporting styrene for RY2010.

Business Information

Number of employees: 222 at location disclosing violations.



Condition 1: Systematic Discovery of the Violation Through an Environmental Audit or a Compliance Management System *

If the violation was discovered as part of an Environmental Audit, indicate how the audit meets the EPA's definition of auditing as a systematic, documented, periodic and objective review. At a minimum, the response should include the following:

- A. Describe the audit system and procedures that were used, including checklists or protocols used by the auditors.
- B. Describe the schedule for conducting audits. If this is the first audit, please provide schedule for future audits.
- C. Describe the relationship between the facility and the person(s) responsible for conducting environmental audits, and procedures for insuring that auditor objectivity is not impaired.
- D. Why was this audit performed?
- E. Has an audit been performed at this facility in the past? If so, on what date(s)?

It is not required that the audit report be submitted with this disclosure at this time.

If the violation was discovered as a result of a Compliance Management System (CMS), provide evidence that your compliance program meets the EPA's definition of a CMS. At a minimum, the response should include the following:

- A. Explain in detail how the company's practices and the procedures leading to the discovery of the violation constitute a compliance management system. At a minimum, describe how the company's documented systematic efforts to prevent, detect and correct violations meet the six (6) components of a CMS described on page 19625 of the Audit Policy, <http://www.epa.gov/compliance/resources/policies/incentives/auditing/auditpolicy51100.pdf>
- B. Describe the process for periodically reviewing, monitoring and evaluating the CMS.

If the violation was discovered in a manner other than through an Environmental Audit or a CMS, describe the procedure used to discover the violation (note that a 75% penalty reduction is available even if the violation was not discovered through an Environmental Audit or a CMS if all other conditions are met; i.e., conditions 2-9).

The violation was discovered during the process of completing the SARA 313 Toxic Release Inventory for RY2010. Data for the completion of the TRI forms are collected through out the year and entered into an Excel software based series of spreadsheets. The spreadsheets are designed to ensure that all necessary data needed for the TRI are collected, and evaluate reporting limits and compare current year data to data previously reported.

Although the spreadsheets identified that the limit of 500 pounds for the ARA was exceeded for styrene, the person completing and submitting the reports (Peter Madden) did not form R to report styrene, and used form A as had been used for previous submissions. The selection of the improper form was not intentional, but an oversight.

Condition 2: Voluntary Discovery *

Please state if the violation was voluntarily discovered. Voluntary discovery did not occur if the violation was found through a legally required monitoring, sampling, or auditing procedure that is required by statute, regulation, permit, judicial or administrative order, or consent agreement. The Agency may ask for copies of permits, orders, or agreements at a later date to confirm whether the discovery was voluntary.

This non-compliance was discovered voluntarily by the company following standard review of data prior to submission of an annual report to EPA and the State. The discovery did not occur due to any review, monitoring, or audit that was legally required, or by any procedure required by any statute, regulation, permit, judicial or administrative order or consent decree.

Condition 3: Prompt Disclosure *

Provide the date of discovery of each violation disclosed. Please demonstrate that the violation was disclosed within 21 days after discovering that the violation occurred or may have occurred. Discovery occurs when any officer, director, employee, or agent of the facility has an objectively reasonable basis for believing that a violation has or may have occurred; i.e., absolute factual and legal certainty is not necessary in order to require disclosure. As one example of discovery, for failure to submit a timely TRI report for an EPCRA 313 chemical, when was it first realized that applicable thresholds were met or exceeded?

For situations in which the 21-day period has already expired, the Agency may accept a late disclosure in the exceptional case, such as where there are complex circumstances, including where EPA determines that the violation could not be identified and disclosed within 21 calendar days after discovery. If disclosure of this violation was not within 21 days of discovery, please explain in detail why the violation(s) was not disclosed within the 21-day period.

Peter Madden discovered the reporting error on June 15, 2011 and contacted the EPA for the eDisclosure form on June 16, 2011. The potential violations were self-disclosed via eDisclose to the EPA on June 17, 2011.

Condition 4: Discovery and Disclosure Independent of Government or Third Party Plaintiff *

This condition means that the disclosing party took the initiative to find violations on its own and disclose them promptly instead of as a result of a government or regulatory inspection or waiting for an indication of a pending enforcement action (e.g., inspection, investigation or issuance of an information request) or third party complaint. Was there any contact, e.g. letter, e-mail, telephone inquiry, etc. by any government or third party informing the facility of potential or actual violations, or any notification of an impending or commenced inspection prior to the disclosure? If yes, please explain.

The noncompliance reported in this disclosure were voluntarily discovered and disclosed independent of any governmental investigations, or claims, or third-party actions.

Condition 5: Correction and Remediation *

This section asks for a description of how the violation was corrected and how any harm was remediated. Violations should be corrected within 60 days of the date of discovery.

Has the violation been corrected? If yes, provide the date and how the violation was corrected. For example, include written confirmation from authorities that submittals (Tier II reports, Form R's) were received.

If no, provide an estimate of the length of time it will take to correct the violation. If the violation will be corrected within 60 days, by certifying and submitting this disclosure you are committing to fix the violation within the time period you specify, not to exceed 60 days.

If more than 60 days will be needed to correct the violation, please explain the basis for this estimate and provide the opinion of any technical or engineering expert relied upon to arrive at the estimate. By certifying and submitting this disclosure, you are seeking an extension of the 60 days and commit to fix the violation within such period of time as may be granted by EPA.

Describe any environmental or human harm caused by the violation, and any measures undertaken to remediate such harm.

Plastics Engineering Company will submit corrected Form R forms to the EPA, with copies to the proper State of Wisconsin agencies, the styrene for the reporting years of 2004, 2005, 2008, and 2009. For RY2004 a corrected paper form will be prepared. For the other years, the corrected information will be submitted via CDX and the TRIMEweb site. These submission will be complete by June 24, 2011, within sixty days of the discovery of the reporting errors.

Condition 6: Prevent Recurrence *

Describe what steps were taken to prevent recurrence of the violation and provide the date that those measures were implemented. If the measures have not yet been implemented, provide the implementation schedule setting forth the dates of the anticipated actions.

While the system used for TRI data collection appropriately identifies which chemicals being reported require the use of Form A which require Form R, the spreadsheets have been be revised (as of June 17, 2011) to explicitly designate the proper form to use, for each chemical reported, based on ARA.

Condition 7: No Repeat Violations *

The same or closely-related violation must not have occurred previously at the same facility within the past 3 years. In addition, the same or closely-related violation must not have occurred within the past 5 years as part of a pattern at multiple facilities owned or operated by the same entity.

Has this facility been the subject of any state, federal, or local enforcement action, as defined in the Audit Policy, for violations of the same statutory section as this disclosure within the last 3 years? If yes, please list for each violation, the date and type of enforcement action and its resolution.

Please describe the business structure, including all parents and subsidiaries. At a minimum, provide the parent company's name and Dun & Bradstreet Number.

Has the parent corporation or any of its subsidiaries or facilities been the subject of any state, federal, or local enforcement action, as defined in the Audit Policy, for violations of the same statutory section as this disclosure within the last 5 years? If yes, please list for each violation, the facility, the date and type of enforcement action and its resolution.

Plastics Engineering Company has not been the subject of any federal, state, or local enforcement action for violations of the same or closely related statutory section that is the subject of this disclosure within the last three years.

Condition 8: Other Violations Excluded *

The policy excludes penalty reduction for violations that resulted in serious actual harm, which may have presented an imminent and substantial endangerment to public health or the environment, or which violate the specific terms of any order, consent agreement, or plea bargain.

State whether or not the violation resulted in serious actual harm to human health or the environment; provide your rationale for making this conclusion.

State whether or not the violation may have presented an imminent and substantial endangerment to human health or the environment; provide your rationale for making this conclusion.

Identify all environmental federal, state, or local judicial or administrative orders, or consent agreements under which this facility operates; state whether the violation violated any specific terms of these orders or agreements.

The reporting errors disclosed herein did not result in serious actual harm or present an imminent and substantial endangerment to public health or the environment. These errors did not violate the specific terms of any judicial or administrative order or consent agreements.

Condition 9: Cooperation *

Provide any other information you deem relevant that demonstrates your cooperation with EPA in determining applicability of this policy.

Plastics Engineering Company has cooperated with with EPA by voluntary disclosure of this reporting error promptly upon discovery and will continue to cooperate to correct the TRI data for this facility.

Cost of Compliance *

This policy allows for either elimination of the gravity portion of a penalty or a reduction of up to 75% if all but the first condition is met.

EPA retains its discretion to collect any economic benefit that may have been realized as a result of noncompliance. If no costs of compliance are provided, EPA will use its own best professional judgment to determine the value of economic benefit, if any. The EPA financial models used to determine economic benefit can be found on the web at

www.epa.gov/compliance/civil/econmodels/.

"Cost of compliance" is used so EPA may better assess any benefit derived from noncompliance. If you are able, please use the following fields to provide an estimate of any cost of compliance.

Cost of Compliance (dollars) * \$

Rationale behind the cost of compliance amount. *

For each facility, determine the cost to return to compliance. Such costs may include internal staff or outside consultants' time to become familiar with the regulations, determine which chemicals meet/exceed reporting thresholds, prepare forms/plans/ permits and submit forms to appropriate agencies; fees collected by state or other regulatory agencies; release detection or pollution control equipment; operation and maintenance costs; and secondary containment or start-up costs for plan implementation or tank monitoring.

There were no additional costs associated with the discovery and response to the reporting violation.

Name of individual submitting this self-disclosure: *

Peter Madden

Current Date June 17, 2011

By checking this box, I, the person whose name is displayed above, certify under penalty of the law that this document ☒ was prepared under my direction and to the best of my knowledge and belief, the information submitted is true, accurate and complete. Furthermore, I understand that eligibility for, and any reduction of penalties under, the EPA Audit Policy is conditioned on the truth, accuracy and completeness of this disclosure.

Validation

An asterisk "" indicates a required field.*

Click below to validate the form. If any required fields are missing, they will be highlighted in red. When the form is fully valid, the 'NOT YET VALIDATED' statement on this page will disappear and the form can be submitted. The form may be saved before it is validated, but it should only be submitted when it is complete and validated.

Note: You will need Adobe® Reader® version 7 or higher to validate and save this form. To check which version of Adobe® Reader® you have, choose "About Adobe Reader" under the Help menu. For more information about Portable Document Format (PDF) files and to download Adobe® Reader® go to <http://www.epa.gov/epahome/pdf.html#install>.

Validate Form**NOT YET VALIDATED**

